

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Danny Rivera	Team: Team # 1	CCRB Case #: 201103767	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 03/24/2011 6:45 PM	Location of Incident: § 87(2)(b)	Precinct: 122	18 Mo. SOL 9/24/2012	EO SOL 9/24/2012	
Date/Time CV Reported Fri, 03/25/2011 8:54 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 03/25/2011 8:54 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Neville Lestrade	04520	940377	122 PCT
2. POM Emmanuel Kwo	01403	944715	122 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Emmanuel Kwo	Abuse: PO Emmanuel Kwo refused to provide his name and shield number to § 87(2)(b)	§ 87(2)(b)
B.POM Neville Lestrade	Abuse: PO Neville Lestrade refused to provide his name and shield number to § 87(2)(b)	§ 87(2)(b)

Case Summary

§ 87(2)(b) a resident of § 87(2)(b) in Staten Island, filed this complaint via telephone with the Civilian Complaint Review Board on March 25, 2011 (encl. 4). § 87(2)(b) stated that at approximately 6:00 p.m. on March 24, 2011, he contacted the police because his neighbors in Apartment #§ 87(2)(b) were so loud that it seemed as though they were fighting. Two officers from the 122nd Precinct, identified via investigation as PO Emmanuel Kwo and PO Neville Lestrade, subsequently arrived at § 87(2)(b) apartment to investigate his complaint. The following allegations arose as a result of the interaction between § 87(2)(b) and Officers Kwo and Lestrade:

- **Allegation A – Abuse of Authority:** PO Emmanuel Kwo refused to provide his name and shield number to § 87(2)(b)
- **Allegation B – Abuse of Authority:** PO Neville Lestrade refused to provide his name and shield number to § 87(2)(b) § 87(2)(g)

This complaint was eligible for mediation, but § 87(2)(b) rejected this process.

Results of Investigation

Civilian Statement(s)

Complainant: § 87(2)(b)

- § 87(2)(b) -old white male, 5'6" tall, 225 pounds, brown hair, and brown eyes. § 87(2)(b)

§ 87(2)(b) provided an initial statement on March 25, 2011 (encl. 4), provided a phone statement on March 29, 2011 (encl. 5), was interviewed at the CCRB on April 5, 2011 (encl. 6A-6E), and provided a follow-up statement on May 9, 2011 (encl. 7). § 87(2)(g) At approximately 5:00 p.m. on March 24, 2011, § 87(2)(b) called 911 and made a complaint about his neighbors in Apartment #§ 87(2)(b) of § 87(2)(b) in Staten Island, who were making so much noise that it seemed as though they were fighting. § 87(2)(b) has had four or five negative encounters with his neighbors, § 87(2)(b) and § 87(2)(b) who routinely drink alcohol in public areas of his building, and from whose apartment marijuana smoke wafts into the hallway and § 87(2)(b) apartment.

At about 6:45 p.m., following § 87(2)(b) call to 911, two police officers, identified via investigation as PO Neville Lestrade (black male, 6'1" tall, slim build, dark hair, 30's) and PO Emmanuel Kwo (black male, 6'0" tall, "brawny" build, dark hair, 30's) of the 122nd Precinct, appeared at the door of § 87(2)(b) apartment. There was no one else in the apartment with § 87(2)(b) when PO Lestrade and PO Kwo arrived. PO Lestrade and PO Kwo explained to § 87(2)(b) that they had gone to Apartment #§ 87(2)(b) to investigate his complaint, but had found that everything was calm, and that they did not see a reason to prepare a report in connection with the incident. § 87(2)(b) attempted to explain his ongoing issues

with his neighbors, but he was unable to “get a word with the [officers], edgewise.” § 87(2)(b) then invited PO Lestrade and PO Kwo into his apartment, so that he could have a word with him in the privacy of his home. PO Lestrade and PO Kwo, however, would enter no further than the vestibule of the apartment, where PO Lestrade said, “This [call] is not a priority. There is nothing going on here.” It seemed to § 87(2)(b) that the officers were impatient and simply did not want to hear what he had to say. PO Lestrade and PO Kwo were in § 87(2)(b) apartment for no more than two minutes before leaving, at which time § 87(2)(b) said, “Hey, don’t do this to me!” § 87(2)(b) asked PO Lestrade and PO Kwo for their names and badge numbers as they were leaving the apartment; the officers yelled something in response, but § 87(2)(b) was unable to hear them or make out what it was they had said. In his initial statement, § 87(2)(b) stated that he asked PO Lestrade and PO Kwo for their information—as well as the name of their supervisor—but that Officers Lestrade and Kwo had ignored his request. In a follow-up phone statement, § 87(2)(b) noted that he was still in the kitchen when PO Lestrade and PO Kwo gave him some sort of response; PO Lestrade and PO Kwo, meanwhile, were outside of the apartment. In that same phone statement, § 87(2)(b) stated that he only requested the officers’ information once, as PO Lestrade and PO Kwo “walked very quickly” out of the apartment. Further, § 87(2)(b) could not tell, given all of the noise in the building that evening, if PO Lestrade and PO Kwo were either addressing him or talking amongst themselves.

§ 87(2)(b) subsequently called 911 for a second time, at which point he was informed that PO Lestrade and PO Kwo would be re-sent to his apartment; the officers, however, did not reappear.

NYPD Statement(s):

Subject Officer: PO EMMANUEL KWO

- § 87(2)(b) -old black male, 6’2” tall, 260 pounds, black hair, and brown eyes.
- On March 24, 2011, PO Kwo was assigned to the 122nd Precinct’s Housing unit and worked in uniform. Partnered with PO Lestrade, PO Kwo was assigned to RMP 4793, a marked vehicle.

Memo Book

PO Kwo’s memo book (encl. 8A-8C) notes that he responded to a dispute call at § 87(2)(b) the job was subsequently coded, at 7:00 p.m., as 90Y (unnecessary).

CCRB Testimony

PO Emmanuel Kwo was interviewed at the CCRB on May 6, 2011 (encl. 9A-9B). At approximately 6:45 p.m. on March 24, 2011, PO Kwo and his partner, PO Neville Lestrade, responded to a dispute call at § 87(2)(b) apartments § 87(2)(b). Upon arriving at apartment #§ 87(2)(b), PO Kwo and PO Lestrade were met by an unidentified female. This individual asked Officers Kwo and Lestrade if they had been called to her apartment following a complaint call by § 87(2)(b) who maintains a residence in Apartment #§ 87(2)(b). PO Kwo responded that this was, indeed, the case. The female explained that she had just gotten home from work, that her children had been playing with their friends in apartment #§ 87(2)(b) and that she had simply been preparing dinner. The female also noted that this was the second time that same

day that § 87(2)(b) had contacted the police in order to make a complaint against her, and that she was particularly upset at this behavior. PO Kwo noticed that there was low-volume music playing in the background, and told the female that he and PO Lestrade would visit § 87(2)(b) apartment. In total, PO Kwo and PO Lestrade spoke with the female for approximately two minutes.

PO Kwo and PO Lestrade subsequently walked over to apartment #§ 87(2)(b) which is approximately a fifteen-step walk away from apartment #§ 87(2)(b) then invited PO Kwo and PO Lestrade inside his apartment, where he informed them that there was “a constant ruckus coming from [the neighbor’s apartment] back and forth.” There were no civilians in the apartment other than § 87(2)(b) and Officers Kwo and Lestrade walked only as far as five feet inside the apartment. PO Kwo explained to § 87(2)(b) that he had spoken to his neighbor, and that they had not found any situation warranting further police action. At most, PO Kwo told § 87(2)(b) he saw school-age children playing with their friends. PO Kwo also told § 87(2)(b) that they were aware that he had made repeated calls against his neighbors. § 87(2)(b) clarified that he has had ongoing issues with his neighbors, and he confirmed that he had contacted the police earlier in the day because no one had responded to that original call. PO Kwo informed § 87(2)(b) that it might be necessary for him to contact the New York City Housing Authority because from their perspective, his issue amounted to little more than neighbors who were unable to get along.

§ 87(2)(b) added that his neighbors cordoned off the building’s handicap access ramp with rope—thereby blocking his entry to the building—and that he continually smelled the odor of marijuana. PO Kwo responded that he had never seen such a condition in the building, and that police officers perform vertical patrols on a daily basis in order to address any pertinent issues. § 87(2)(b) told PO Kwo and PO Lestrade that “the system [is] flawed,” and that he wanted his neighbors arrested and a report prepared. PO Kwo answered that there was little they could do, because there was nothing apparently wrong, and that he could not arrest § 87(2)(b) neighbors simply because they were a nuisance to him. At that point, § 87(2)(b) asked for PO Kwo’s and PO Lestrade’s name and shield numbers, as well as the name and shield of their supervisor, Sergeant [Robert] Barkovich. Sergeant Barkovich was not present for this incident. In response, PO Kwo provided his name, his badge number, and the command to which he is assigned; PO Lestrade provided his own information, as well. PO Kwo also provided § 87(2)(b) with his sergeant’s name, while noting that he was uncertain as to his shield number. Neither PO Kwo nor PO Lestrade refused to provide their respective names and badge numbers to § 87(2)(b). PO Kwo and PO Lestrade then left the apartment, where they had spent approximately fifteen minutes speaking with § 87(2)(b).

Subject Officer: PO NEVILLE LESTRADE

- § 87(2)(b) -old black male, 6'9" tall, 210 pounds, bald, and brown eyes.
- On March 24, 2011, PO Lestrade was assigned to Post #129, and worked in uniform. Partnered with PO Kwo, PO Lestrade was assigned to RMP 4793, a marked vehicle.

Memo Book

PO Lestrade's memo book (encl. 10A-10C) reflects that, at 6:45 p.m., he responded to a dispute call at § 87(2)(b)

CCRB Testimony

PO Neville Lestrade was interviewed at the CCRB on May 6, 2011 (encl. 11A-11B). PO Lestrade's statement was consistent with that of PO Kwo, with the following exceptions. PO Lestrade and PO Kwo responded to a dispute call at Apartment #§ 87(2)(b) of § 87(2)(b). Upon speaking with the lessee of the apartment, PO Kwo was informed by that person that no dispute had taken place. PO Lestrade and PO Kwo then went to § 87(2)(b) apartment—and after being invited inside—told him that, if he had an issue with his neighbors, he should go to the building's management office and request to be moved to a different floor. § 87(2)(b) who indicated that there was narcotic activity in his neighbor's apartment, did not appear to like what he was told, and subsequently asked for PO Lestrade's and PO Kwo's respective names and badge numbers. PO Lestrade and PO Kwo provided the requested information, and "did not deny him anything."

NYPD Document(s)

SPRINTS

SPRINT report § 87(2)(b) (encl. 12A) reflects that an anonymous male placed a 911 call at 6:42 p.m. indicating that individuals in apartments § 87(2)(b) and § 87(2)(b) were fighting; at 6:43 p.m., the caller stated that people were screaming and yelling, and that he had previously contacted the police; police officers from the 122nd Precinct's Housing unit categorized the radio run as 10-90Y (unnecessary) at 7:02 p.m. SPRINT report § 87(2)(b) (encl. 12B) reflects that an anonymous male caller contacted 911 to note that another male was chasing after § 87(2)(b) on the first floor, and that he heard screaming and yelling.

Status of Civil Proceedings

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of May 13, 2011 with regard to the incident (encl. 15B).

Civilian(s) Criminal History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian(s) CCRB History

- This is the first complaint filed by § 87(2)(b) to be investigated by the CCRB (encl 3).

Subject Officer(s) CCRB History

- PO Emmanuel Kwo has been a member of the service for three years and there are no substantiated CCRB allegations against him (encl. 1).
- PO Neville Lestrade has been a member of the service for five years and there are no substantiated CCRB allegations against him. (encl. 2).

Conclusion

Identification of Subject Officer(s)

PO Kwo and PO Lestrade admitted to having an interaction with § 87(2)(b) and to entering his apartment upon his request. The roles of PO Kwo and PO Lestrade were determined based upon their physical characteristics: PO Kwo, at 6'2" tall, is considerably shorter than PO Lestrade, who stands 6'9" tall. Further, PO Kwo, who weighs 260 pounds, is larger than PO Lestrade, who weighs 210 pounds.

Investigative Findings and Recommendations

Allegation A – Abuse of Authority: PO Emmanuel Kwo refused to provide his name and shield number to § 87(2)(b)

Allegation B – Abuse of Authority: PO Neville Lestrade refused to provide his name and shield number to § 87(2)(b)

§ 87(2)(b) alleged that Officers Kwo and Lestrade refused to provide their respective names and shield numbers. For their part, PO Kwo and PO Lestrade denied the allegations. § 87(2)(b) insists that Officers Kwo and Lestrade were outside of the apartment when they responded to his request for their names and shield numbers, but that he was unable to hear what they had said given the level of noise in the building—and because he was still in his kitchen when they walked out. Conversely, both PO Kwo and PO Lestrade stated that they heard § 87(2)(b) request, readily provided their own names and badge numbers, and even offered their supervisor's name when this information was requested of them. § 87(2)(g)

§ 87(2)(g)

Team: One

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date